

2002 AUG 20 PM 3:02

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY IDALAN G. LANCE
Attorney GeneralA. RENÉ MARTIN
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Telephone: (208) 332-8092
Facsimile: (208) 332-8099
Idaho State Bar # 3188

Attorneys for Department of Finance

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY**STATE OF IDAHO, DEPARTMENT OF)
FINANCE, SECURITIES BUREAU,)

Plaintiff,)

vs.)

BEVERLY RAE BOWEN, JOHN)
ALFRED LOWDEN, KEVIN KRUGER)
SUTTON, and NGS TRUST,)

Defendants.)

Civil No. CV-01-2070

**JUDGMENT AND
PERMANENT INJUNCTION
AGAINST JOHN ALFRED LOWDEN**

The liability of Defendant John Lowden under the Idaho Securities Act was tried to the Court on July 9, 2002. On August 8, 2002, the Court issued its Findings of Fact and Conclusions of Law, finding that Defendant Lowden violated §§ 30-1406 and 30-1416 of that Act in selling an unregistered security to Idaho residents while he was not licensed as a securities salesman,

and further finding that Defendant Lowden violated the anti-fraud provisions of the Act, Idaho Code § 30-1403(2) and (3).

NOW, THEREFORE, THE COURT HEREBY ORDERS, ADJUDGES AND DECREES as follows:

INJUNCTIVE RELIEF:

Defendant John Alfred Lowden is permanently enjoined from engaging in any acts, practices or omissions which would constitute violations of the Idaho Securities Act, Title 30, Chapter 14, Idaho Code, and in particular, Defendant Lowden is permanently enjoined from:

- A. Selling or offering for sale nonexempt securities in any form in the state of Idaho until such time as the securities have been registered with the Idaho Department of Finance in accordance with Title 30, Chapter 14, Idaho Code;
- B. Selling or offering for sale nonexempt securities in any form in the state of Idaho until such time as he has registered with the Idaho Department of Finance as a broker-dealer or salesman for a broker-dealer or issuer, in accordance with Title 30, Chapter 14, Idaho Code;
- C. While engaged in or in connection with the offer, sale or purchase of any security:
 - (1) Employing any device, scheme, or artifice to defraud any investors or prospective investors;
 - (2) Making any untrue statement of a material fact or omitting to state a material fact necessary in order to make statements made, in light of the circumstances under which they are made, not misleading;

- (3) Engaging in any act, practice or course of business which operates, or would operate, as a fraud or deceit upon any person;
- (4) Aiding, abetting, counseling, inducing or causing any other person to engage in any of the types of conduct described in paragraphs C(1), C(2), or C(3) above.

MONEY JUDGMENT:

The Department is hereby awarded a money judgment against Defendant John Alfred Lowden in the amount of \$26,430.76 as restitution for the victims of Defendant Lowden's violations of the Idaho Securities Act as set forth in the Court's Findings of Fact and Conclusions of Law filed on August 8, 2002 in this matter, pursuant to Idaho Code § 30-1442(3)(a). Said amount is to be paid to the Department for disbursement to said victims. No statutory penalties are awarded against Defendant Lowden pursuant to Idaho Code § 30-1442(3)(b). The Department is further awarded its reasonable attorney fees and reimbursements for its investigative efforts, pursuant to Idaho Code § 30-1442(3)(d). This money judgment is subject to interest thereon at the rate set forth in Idaho Code § 28-22-104 from the date of the entry of judgment.

DATED this 20th day of August, 2002.

Gregory S. Anderson
GREGORY S. ANDERSON
District Judge

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of August, 2002, I served a true and correct copy of the foregoing JUDGMENT AND PERMANENT INJUNCTION AGAINST JOHN ALFRED LOWDEN by depositing the same in the United States Mail, postage pre-paid, in an envelope addressed to:

A. René Martin
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Kelly Mallard
Mallard Law Office
P.O. Box 50396
Idaho Falls, Idaho 83405

Ronald Longmore

by: Tracy B. Senke